


U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CARLTON G. MONCEAUX

CIVIL ACTION NO. 06-0924

VERSUS

JUDGE DONALD E. WALTER

WARDEN ANTHONY BATSON, ET AL.

MAGISTRATE JUDGE HORNSBY

O R D E R

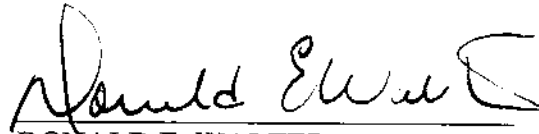
Before this Court is a Motion for Summary Judgment [Doc. #21] filed on behalf of defendants, Lieutenant Johnny White, Cleona Lewis, Lona Bass, Sybil Van Wert, W. Colt Palmer and Dorothy Rasmussen, pursuant to Federal Rule of Civil Procedure 56.

As to plaintiff's §1983 claims for an Eighth Amendment violation by failing to provide adequate medical care to an inmate, and defendants' assertions of qualified immunity, the Court finds that genuine issues of material fact exist. In particular, this Court finds that the nurses' repeated failure to contact a physician, as required by the prison's standing order, until at least five days after plaintiff's initial presentation of an infection (redness, swelling and warm to the touch) which delay potentially caused plaintiff to lose his thumb at least raises a genuine issue to be tried as to whether defendants' conduct was objectively reasonable. Accordingly, **IT IS ORDERED** that defendants' motion regarding plaintiff's §1983 claims and their entitlement to qualified immunity be and is hereby **DENIED**.

Further, federal courts are not precluded from exercising supplemental jurisdiction over state law claims brought against state officials strictly in their personal capacities. See Wilson v. UT Health Center, 973 F.2d 1263, 1271 (5th Cir. 1992). As plaintiff's medical malpractice claims against defendants are clearly claims brought against those officials strictly in their individual

capacities, **IT IS ORDERED** that defendants' motion regarding plaintiff's state law claims is also **DENIED**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 24th day of April, 2007.

A handwritten signature in black ink, appearing to read "Donald E. Walter", written over a horizontal line.

DONALD E. WALTER
UNITED STATES DISTRICT JUDGE